

Serial No. 10/718,227
26 May 2005 Reply to
26 January 2005 Office Action

REMARKS

Claims 1-10 and 12-20 are pending in the present application. Claims 1-8, 11, 12-18, and 21 stand rejected under 35 U.S.C. 103(a) over AAPA/Iwamoto and claims 9-10 and 19-20 stand rejected under 35 U.S.C. 103(a) over AAPA/Iwamoto in view of Calvin et al. ("Calvin"). Claims 1 and 12 have been amended. Claims 11 and 21 have been cancelled.

Applicant respectfully requests reconsideration and allowance of the above-identified application in view of the above amendment and following remarks.

35 U.S.C. 103(a); AAPA/Iwamoto (Claims 1-8, 11, 12-18, and 21):

Applicant respectfully traverses this rejection. In regard to claims 1-8 and 11, the combination of AAPA and Iwamoto does not disclose, teach, or suggest a method of assembling a diagnostic medical test kit including:

- a) providing an automatic assembly system including an assembly line and a parallel return line, the assembly line and the return line each including a single conveyor running from a start end to a return end, a plurality of pallets carrying the components of the medical test kit during assembly, a plurality of work stations disposed along the assembly line to perform assembly steps on the components of the medical test kit, a start end pallet transfer mechanism disposed at the start end of the assembly line and the return line to transfer the pallets from the return line to the assembly line, and a finish end pallet transfer mechanism disposed at the finish end of the assembly line and the return line to transfer the pallets from the assembly line to the return line;
- b) providing a plurality of empty pallets on the conveyor of the return line;

Serial No. 10/718,227
26 May 2005 Reply to
26 January 2005 Office Action

- c) moving the empty pallets on the conveyor of the return line to the start end of the return line;
- d) transferring the empty pallets from the start end of the return line to the start end of the assembly line with the start end pallet transfer mechanism;
- e) moving the pallets on the conveyor of the assembly line to the plurality of work stations and using the pallets as carriers for a partially completed and completed diagnostic medical test kit;
- f) assembling the components of the diagnostic medical test kit at the plurality of work stations;
- g) transferring completed diagnostic medical test kits from the pallets, producing empty pallets;
- h) transferring faulty diagnostic medical test kits from the pallets, producing empty pallets;
- i) moving the empty pallets on the convey of the assembly line to the finish end of the assembly line;
- j) transferring the empty pallets from the finish end of the assembly line to the start end of the return line;
- k) wherein the plurality of work stations further include a photo-optic sensor to verify removal of the diagnostic medical test kits from the pallets to ensure that a pallets with diagnostic medical test kits are not transferred to the return line, and assembling the components of the diagnostic medical test kit at the plurality of work stations further include verifying with the photo-optic sensor that the diagnostic medical test kits are removed from the pallets prior to transferring the diagnostic medical test kits to the return line
- l) repeating steps c-k above.

Serial No. 10/718,227
26 May 2005 Reply to
26 January 2005 Office Action

In regard to claims 12-18 and 21, the combination of AAPA and Iwamoto does not disclose, teach, or suggest an automatic diagnostic medical test kit assembly system including:

an assembly line having a start end, a return end, and a single a conveyor running in a direction from the start end to the return end;

a return line parallel to the assembly line and having a start end, a return end, and a single conveyor running in a direction opposite of that of the conveyor of the assembly line from the start end to the return end;

a plurality of pallets carrying components of the medical test kit during assembly;

a plurality of work stations disposed along the assembly line to perform assembly steps on the components of the medical test kit;

a start end pallet transfer mechanism disposed at the start end of the assembly line and the return line to transfer the pallets from the return line to the assembly line; and

a finish end pallet transfer mechanism disposed at the finish end of the assembly line and the return line to transfer the pallets from the assembly line to the return line,

wherein the plurality of work stations further include a photo-optic sensor to verify removal of the diagnostic medical test kits from the pallets to ensure that a pallets with diagnostic medical test kits are not transferred to the return line.

Among other things missing from the cited combination, Iwamoto does not disclose, teach, or suggest the assembly line and the return line each including a single conveyor running from a start end to a return end. In contrast, the assembly line in Iwamoto includes multiple conveyors.

Further, the combination does not disclose, teach, or suggest the claimed photo-optic sensor to verify removal of the diagnostic medical test kits from the pallets. The Examiner appears to be

Serial No. 10/718,227
26 May 2005 Reply to
26 January 2005 Office Action

taking official notice that this feature is obvious; however, Applicant respectfully submits that if this feature is obvious, the prior art should be replete with references showing this feature and show motivation for combining this feature with the cited combination. Applicant respectfully requests the Examiner to cite such references. It should be noted that the sensor in U.S. Pat. 5,427,252 is not a photo-optic sensor to verify removal of the diagnostic medical test kits from the pallets.

Applicant respectfully submits that he does not acquiesce to any of the positions set forth in the last office action in regard to this rejection. The claims have been amended in an effort to expedite prosecution of the present application.

Accordingly, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. 103(a); AAPA/Iwamo/Calvin (Claims 9-10 and 19-20):

Applicant respectfully traverses this rejection for the reasons set forth above with respect to AAPA/Iwamoto. Calvin adds nothing in regard to the missing elements/steps of AAPA/Iwamoto discussed above.

Serial No. 10/718,227
26 May 2005 Reply to
26 January 2005 Office Action

CONCLUSION

On the basis of the above amendments and remarks, reconsideration and allowance of the application is believed to be warranted and such action is respectfully requested. The Examiner is respectfully urged to contact the undersigned if he has any questions or issues with respect to the above amendment.

Respectfully submitted,

By:


Stephen C. Bencie
Reg. No. 38,380

Dated: May 26, 2005

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, CA 92101-4469
Tel: (619) 238-1900